

42592



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of | : | |
| | : | |
| ECKHARD KÖNIG | : | PATENT |
| | : | |
| Serial No.: 09/980,854 | : | Art Unit: 3729 |
| | : | |
| Filed: December 7, 2001 | : | Examiner: T. D. Phan |
| | : | |
| For: METHOD FOR PRODUCING A FLAT | : | |
| COMMUTATOR (Amended) | : | |

**PETITION UNDER 37 C.F.R. § 1.181
FOR ENTRY OF JANUARY 30, 2004 AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.181, Applicant requests the Commissioner of Patents and Trademarks to invoke supervisory authority and require entry and consideration of the Amendment Under 37 C.F.R. § 1.116 filed January 30, 2004 in connection with the above-identified application.

No fee for this Petition is believed to be necessary. However, the Commissioner is hereby authorized to charge any fees necessary for this Petition to deposit Account No. 18-2220.

This Petition responds to the February 26, 2004 Advisory Action denying entry of that Amendment, allegedly because the proposed change to claim 11

presents a new issue requiring further consideration and search, since the amended coating step (cf. Claim 11, line 11) is performed with a further limitation on the "segment support parts formed by dividing the carrier body" in lieu of coating all the segment support par[ts] as claimed in Paper filed August 28th, 2003.

However, no new issue is raised by the proposed change to claim 11 in that it does not further limit the claim. Claim 11 as presented in the Amendment in issue and in the August 28, 2004 Amendment are both limited to "coating the exposed surfaces of the segment support parts" (emphasis added), which "exposed surfaces" are defined as being formed by the dividing of the carrier body.

The January 30, 2004 Amendment seeks to amend claim 11 as follows:

11. (currently amended) A process for producing a flat commutator, comprising the steps of:

forming a metal carrier body with segment support parts;

forming a hub of electrically insulating material coupled to the carrier body;

joining an annular disk in an electrically conductive and strong mechanical manner to the carrier body on a side thereof opposite to the hub, the annular disk being resistive to a reactive environment;

dividing the carrier body to separate the segment support parts and to form exposed surfaces of the segment support parts by separation thereof;

dividing the annular disk into annular segments; and

coating the exposed surfaces of the segment support parts formed by the dividing of the carrier body with an environment resistant coating by currentless deposition carried out from one of a solution and a suspension.

The claim as previously presented and as presented above recites:

dividing the carrier body to separate the segment support parts and to form exposed surfaces of the segment support parts by separation thereof; (emphasis added)

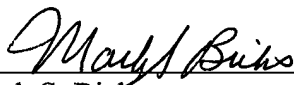
This quoted portion of claim 11 defines "exposed surfaces" as those surfaces formed by dividing the carrier body, and provides antecedent basis for "the exposed surfaces" recited later in the claim. In this manner, the claim 11 recitation of "coating the exposed surfaces" (emphasis added) refers only to the exposed surfaces formed by the dividing of the carrier body, and not to any exposed surfaces of the segment support parts. The use of the definite article "the" before "exposed surfaces" precludes the "any exposed surfaces" interpretation, apparently articulated by the Examiner for the first time in the Advisory Action.

Since "the exposed surfaces . . ." in claim 11 as presented before the final rejection is limited to those formed by "dividing the carrier body . . . to form exposed surfaces . . .", the addition of "formed by the dividing of the carrier body" merely expressly states subject matter already required by a proper interpretation of the claim and does not raise a new issue.

Filed currently herewith is a Notice of Appeal. Prompt and favorable action on this Petition is requested and is necessary to allow timely preparation of an appeal brief.

Respectfully submitted,

Dated: Mar. 12, 2004



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